

hydrofluoric acid which is covered by § 173.264. This section of regulation is more stringent in its packing requirements and all petitioners argued that these restrictions were inordinate for the less hazardous material, fluoboric acid.

One petitioner based his petition on the fact that the proposed change in packaging, when published in notice form, was overlooked and for that reason no comments were submitted. In the amendment, a change in format in presenting the new regulations resulted in bringing the matter to petitioner's attention.

The Board has reviewed these petitions, and on the basis of the facts presented and the arguments for reconsideration, agrees that the regulations for packaging of fluoboric acid are overly restrictive.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are revised as follows:

In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see section)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Fluoboric acid (change)	Cor.	173.244, 173.283	Corrosive	1 gal.

(A) In Part 173 Table of Contents, § 173.264 is revised and § 173.283 is added to read as follows:

Sec.

173.264 Hydrofluoric acid; White acid.
173.283 Fluoboric acid.

(B) In § 173.264, the Heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.264 Hydrofluoric acid; white acid.

(a) Hydrofluoric acid and white acid (ammonium bifluoride and hydrochloric acid mixture), each must be packed in specification packaging as follows:

(C) § 173.283 is added to read as follows:

§ 173.283 Fluoboric acid.

(a) Fluoboric acid exceeding 50 percent concentration must be packed as prescribed in § 173.264(a) for hydrofluoric acid.

(b) Fluoboric acid of 50 percent concentration or less must be packed as follows:

(1) In specification packaging as prescribed in paragraph (a) of this section.

(2) In specification packaging as prescribed in § 173.245(a) (12), (16), (18), (19), (21), (24), and (26).

These amendments are effective September 30, 1974.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6; Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h); Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), 1655(c)).)

Issued in Washington, D.C. on September 24, 1974.

ROBERT A. KAYE,
Board Member for the
Federal Highway Administrator.

C. R. MELUGIN, Jr.
Alternate Board Member for the
Federal Highway Administration.

[FR Doc.74-22558 Filed 9-27-74; 8:45 am]

[Docket No. HM-22; Amdts. Nos. 173-85, 178-34]

PART 173—SHIPPERS
PART 178—SHIPPING CONTAINER
SPECIFICATIONS

Cargo Tanks; Matter Incorporated By
Reference

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to The Chlorine Institute's standards for valves on chlorine tank motor vehicles.

On April 2, 1974, the Board published a notice of proposed rule making, Docket No. HM-22; Notice No. 74-4 (39 FR 12034) proposing to make the above described change.

One commenter made reference to the possibility of erroneously interpreting the changes proposed in this docket to mean a required updating of existing chlorine cargo tanks. Although such is not the case in this docket, the Board is aware that changes of this type may be confusing. Future rule making will be proposed which will include certain revisions to Parts 173 and 178 which the Board believes will clarify this area of confusion.

The Board emphasizes that the changes adopted by this rule making apply only to cargo tanks for chlorine

service manufactured after the effective date of this docket.

Another commenter suggested certain changes to §§ 173.33 and 173.315 to permit voluntary updating of existing cargo tanks by the installation of the newer safety relief and excess flow valves which are the subject of this rule making. The Board believes this suggestion has merit and has made the necessary changes.

In consideration of the foregoing, 49 CFR Parts 173 and 178 are amended as follows:

1. In § 173.33, paragraph (1) (4) is revised and paragraph (1) (5) is added as follows:

§ 173.33 Cargo tank use authorization.

(1) * * *

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured before December 31, 1974, must conform to the standards of The Chlorine Institute, Inc. as follows:

(i) Angle valves must conform with Dwg. 104-4 dated May 5, 1958;

(ii) Excess-flow valves conforming with Dwg. 101-4, dated May 16, 1969, must be installed under each liquid angle valve, and the excess-flow valves conforming with Dwg. 106-3 dated May 16, 1969, must be installed under each gas angle valve.

Valves authorized in paragraph (i) (5) of this section may also be used.

(5) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured on or after December 31, 1974, must conform to the standards of The Chlorine Institute, Inc. as follows:

(i) Angle valves must conform with The Chlorine Institute Dwg. 104-5 dated September 1, 1972;

(ii) An excess-flow valve conforming with Dwg. 101-6 dated September 1, 1973, must be installed under each liquid angle valve and an excess-flow valve conforming to Dwg. 106-5 dated September 1, 1973, must be installed under each gas angle valve.

2. In § 173.315, paragraph (1) (13) is revised and paragraph (1) (14) is added as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(1) * * *

(13) Safety relief valves on chlorine tank motor vehicles manufactured before December 31, 1974, must be in conformance with the standard of The Chlorine Institute, Inc., Type 1 1/2JQ225, Dwg. H51970, dated October 7, 1968. Safety relief valves authorized in sub-

RULES AND REGULATIONS

paragraph (14) of this section may also be used.

(14) Safety relief valves on chlorine tank motor vehicles manufactured on or after December 31, 1974, must conform to The Chlorine Institute's Type 1 1/2JQ. 225, Dwg. H51970, dated October 7, 1968, or Type 1 1/2JQ225, Dwg. H50155, Revision A, dated April 28, 1969.

3. Sections 178.337-1(c)(2), 178.337-2(b), 178.337-8(b), 178.337-10(c) are revised as follows:

§ 178.337-1 General requirements.

(c) * * *

(2) Each chlorine tank must be equipped with a nozzle in the top of the tank. The nozzle must be fitted with a manway cover conforming to The Chlorine Institute's Dwg. 103-4 dated September 1, 1971. There shall be no other opening in the tank.

§ 178.337-2 Material.

(b) For chlorine tanks. All plates for tank, manway nozzle, and anchorage must be made of carbon steel meeting the requirements of ASTM Specifications A-612-72a, Grade B or A516-72, Grade 65 or 70 and also meeting the Charpy V-Notch test requirements of ASTM Specification A20-72a. Impact test specimens must meet impact requirements, in both longitudinal and transverse directions of rolling of this specification at a temperature of minus 40 F.

§ 178.337-3 Outlets.

(b) Chlorine tank valves. See § 178.337-1(g)(9), (i)(4), and (5) of this subchapter. Regarding chlorine tank outlets, see also § 178.337-1(c)(2).

§ 178.337-10 Protection of fittings.

(c) On each chlorine tank there shall be a protective housing and manway cover conforming to The Chlorine Institute Dwg. 137-2, dated September 1, 1971, to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

This amendment is effective December 31, 1974. However, compliance with the regulations as amended herein is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831-835); section 6 of the Department of Transportation Act (49 U.S.C. 1655))

Issued in Washington, D.C. on September 24, 1974.

ROBERT A. KAYE,
Board Member for the Federal
Highway Administration

[FR Doc. 74-22567 Filed 9-27-74; 8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 74-22]

APPENDIX A—INTERPRETATIONS

QUESTIONS AND ANSWERS ON DRIVER QUALIFICATIONS

Amendment of Interpretation 71-4

The Director of the Bureau of Motor Carrier Safety is amending Interpretation 71-4 of Appendix A to the Federal Motor Carrier Safety Regulations. Interpretation 71-4 contains, in question-and-answer form, a number of interpretations of the rules in Part 391 of the Federal Motor Carrier Safety Regulations which have been issued by the bureau on the subject of the qualifications of drivers who drive commercial motor vehicles in interstate or foreign commerce.

Since the date when Interpretation 71-4 was issued, there have been a number of amendments of Part 391. In addition, the Bureau has discovered an error in question and answer No. 15. The purpose of these amendments is to amend the Interpretation by correcting that error and by bringing its contents up to date so that they correctly reflect the purport of today's rules.

In consideration of the foregoing, Interpretation 71-4 in Appendix A to Subchapter B of 49 CFR Chapter III is amended as set forth below.

Since these amendments make changes in interpretive rules, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued September 24, 1974.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety

APPENDIX A—INTERPRETATIONS

QUESTIONS AND ANSWERS ON DRIVER QUALIFICATIONS

[Interpretation 71-4]

A. Question and answer No. 3 are revised to read as follows:

3. (§ 391.15(c)(2)(i)). Q. A driver has his license suspended for driving a commercial motor vehicle while under the influence of alcohol. Two months later, he is convicted of the driving-under-the-influence charge. When does his disqualification begin and end?

A. His disqualification for suspension of his license begins on the date his license is suspended and ends when his license is restored. His disqualification for conviction of driving while under the influence of alcohol begins on the date of conviction. If the

driver was not convicted of a disqualifying offense within a three-year period preceding the date of conviction, the disqualification ends one year after that date. The fact that the driver was already disqualified on the date of conviction does not shorten the period of disqualification by reason of the conviction. In general, there is no reason why two or more grounds for disqualification may not be concurrently applicable to a particular person at one time.

B. Question and answer no. 4 are deleted.

C. Question and answer no. 5 are revised to read as follows:

5. (§ 391.15(c)). Q. If a driver is convicted of an offense specified in § 391.15(c), or has forfeited bond on account of one of those offenses but is allowed to keep his driver's license, is he disqualified?

A. Yes. As noted in item 3, loss of a driver's license and conviction of a disqualifying offense are entirely separate grounds for disqualification. A driver who is convicted of one of the enumerated offenses is disqualified even though he retains his commercial driver's license or permit. Likewise, a driver who loses his commercial driving privileges is disqualified even though he is not convicted.

D. Question and answer no. 6 are revised to read as follows:

6. (§ 391.15(c)). Q. Is a driver disqualified if he is convicted of one of the specified offenses and the conviction arose out of the operation of his personal automobile on a personal trip?

A. No. The rule providing for disqualification for conviction of certain offenses applies only to offenses committed while the driver is driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise.

E. Question and answer no. 7 are revised to read as follows:

7. (§ 391.15(b)). Q. A driver who holds a license to drive issued by one State has a second State revoke or suspend his privilege to operate a commercial motor vehicle in the second State. Is the driver disqualified?

A. Yes. A driver whose privilege to drive a commercial motor vehicle is suspended or revoked in any State is disqualified until that privilege is restored. It is immaterial that he holds a valid license from another State.

F. In question No. 8, the reference to § 391.15(b)(2) is amended to read "(§ 391.15(b))."

G. Question and answer No. 15 are revised to read as follows:

15. (§ 391.31). Q. Do the Regulations prohibit a carrier who issues a certificate of driver's road test from placing language in the certificate to the effect that the certificate is valid only when the driver is operating that carrier's equipment?

A. No. The form of certificate set out in § 391.31(b) is not mandatory; the certificate must be in substantially that form. A carrier may, therefore, place additional language in the form he uses.

[FR Doc. 74-22584 Filed 9-27-74; 8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO NO. 1138; Amdt. No. 3]

PART 1033—CAR SERVICE

Colorado and Southern Railway Co. and
Colorado & Wyoming Railway Co.

In the matter of the Colorado and Southern Railway Company authorized